

S/N 10/087,668

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BLACH ET AL. Examiner: G. DAWSON  
Serial No.: 10/087,668 Group Art Unit: 3761  
Filed: MARCH 1, 2002 Docket No.: 12460.4USC1  
Title: NASAL SUPPORT DEVICE FOR ANIMALS AND METHOD

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 26, 2004.

By: *Carla J. Mauch*  
Name: Carla J. Mauch

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**  
PATENT TRADEMARK OFFICE

Dear Sir:

Petitioner, WinEase LLC, a corporation organized and existing under the laws of the State of Minnesota and having its primary place of business at 856 Great Oaks Trail, Eagan, Minnesota 55123, in the county of Dakota, and the state of Minnesota represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 10/087,668, filed on March 1, 2002 and entitled Nasal Support Device for Animals and Method, by virtue of our assignment recorded at Reel 010480, Frame(s) 0896.

Petitioner, WinEase, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,352,548 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S.

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# 10<sup>1</sup>/<sub>2</sub>  
2-11 (OK)  
2-12-04  
✓

Patent No. 6,352,548, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 6,352,548, in the event that United States Patent No. 6,352,548 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

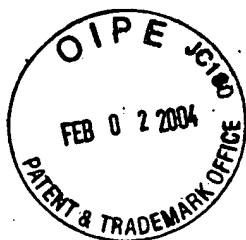
Date: Jan. 29, 2004

Karen A. Fitzsimmons ✓  
Karen A. Fitzsimmons, Reg. No. 50,470  
Applicant's Attorney

**THE STATEMENT BELOW IS FOR OFFICE USE ONLY**

In accordance with the decision granting the petition filed on \_\_\_\_\_, \_\_\_\_\_,  
this terminal disclaimer is accepted. The period of patent lapse specified above has been  
accepted as equivalent to \_\_\_\_\_ months.

\_\_\_\_\_  
Petitions Examiner



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

MARCH 29, 2000

PTAS



\*101243796A\*

MERCHANT & GOULD P.C.  
JAMES R. CHIAPETTA  
3100 NORWEST CENTER  
90 SOUTH SEVENTH STREET  
MINNEAPOLIS, MN 55402-4131

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 12/27/1999

REEL/FRAME: 010480/0896  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BLACH, EDWARD L.

DOC DATE: 09/29/1999

ASSIGNOR:

CHIAPETTA, JAMES R.

DOC DATE: 11/08/1999

ASSIGNOR:

COHEN, DANIEL E.

DOC DATE: 12/14/1999

ASSIGNEE:

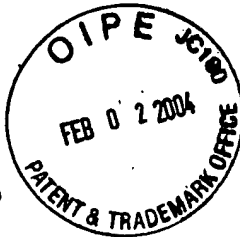
WINEASE LLC  
856 GREAT OAKS TRAIL  
EAGAN, MINNESOTA 55123

SERIAL NUMBER: 09379425  
PATENT NUMBER:

FILING DATE: 08/23/1999  
ISSUE DATE:

010480/0896 PAGE 2

JOANN STEWART, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



01-13-2000



101243796

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Commissioner of Patents and Trademarks: Please record the original document(s) or copy thereof.

1. Name of conveying party(ies):

Edward L. Blach  
James R. Chiapetta  
Daniel E. Cohen

mls  
12.27.99

2. Name and address of receiving party(ies):

WinEase LLC  
856 Great Oaks Trail  
Eagan, MN 55123

RECEIVED  
1999 DEC 27 PM 3:08  
OPR/FINANCE

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other:

Execution Date: September 29, 1999; November 8, 1999; and  
December 14, 1999

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

( 09/379,425 )

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning  
document should be mailed:

Name: James R. Chiapetta  
Address: Merchant & Gould P.C.  
3100 Norwest Center  
90 South Seventh Street  
Minneapolis, MN 55402-4131

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$40.00

- ☒ Enclosed  
☐ Authorized to be charged to deposit account

8. Please charge any additional fees or credit any  
overpayments to our Deposit account number: 13-2725

1/12/2000 DCOATES 00000117 093379425

1 FC:581

40.00 DP

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9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the  
original document.

James R. Chiapetta

Name of Person Signing

Signature

December 20, 1999

Date

Total number of pages including cover sheet, attachments, and document: 4

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the  
document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S.  
Patent and Trademark Office, Office of information systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork  
Reduction Project (0651-0011), Washington, D.C. 20503.

**ASSIGNMENT**

WHEREAS, we, Edward L. Blach, residing at 3300 Kessler Place, Roswell, NM 88201, James R. Chiapetta, residing at 856 Great Oaks Trail, Eagan, MN 55123 and Daniel E. Cohen, residing at 10232 Antlers Ridge, Eden Prairie, MN 55347, made certain new and useful inventions and improvements for which we filed an application for Letters Patent of the United States on August 23, 1999, application Serial No. 09/379,425 which is entitled NASAL SUPPORT DEVICE FOR ANIMALS AND METHOD.

AND WHEREAS, WinEase LLC, a corporation organized and existing under and by virtue of the laws of the State of Minnesota, and having an office and place of business at 856 Great Oaks Trail, Eagan, MN 55123 (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;


NOW THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the Assignee, its successors and assigns.

AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its

successors or assigns the entire right, title and interest in and to the improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us and that full right to convey the same as herein expressed is possessed by us.

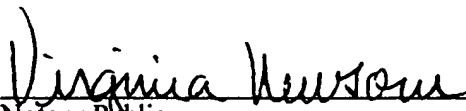
IN TESTIMONY WHEREOF, I have hereunto set my hand this 29 day of September, 1999.

  
Edward L. Blach


STATE OF New Mexico )  
COUNTY OF Chaves ) ss.

On this 29 day of Sept., 1999, before me personally appeared Edward L. Blach to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]

  
Notary Public

IN TESTIMONY WHEREOF, I have hereunto set my hand this 8<sup>th</sup> day of November, 1999.

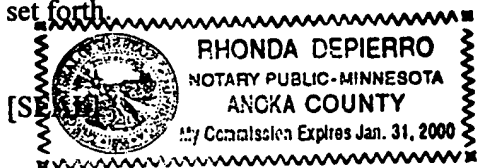
  
James R. Chiapetta

STATE OF Minnesota )  
COUNTY OF Hennepin ) ss.

On this 8<sup>th</sup> day of November, 1999, before me personally appeared James R. Chiapetta to me known and known to me to be the person described in and who executed the foregoing



instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.



Rhonda DePierro  
Notary Public

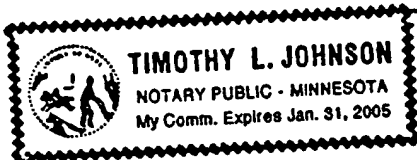
IN TESTIMONY WHEREOF, I have hereunto set my hand this 14 day of December, 1999.

Daniel E. Cohen  
Daniel E. Cohen

STATE OF Minnesota )  
COUNTY OF Hennepin ) ss.

On this 14 day of December, 1999, before me personally appeared Daniel E. Cohen to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]



Timothy L. Johnson  
Notary Public